

## Message Text

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E.O. 11652: N/A

TAGS: SHUM, CG

SUBJECT: ZAIRE HUMAN RIGHTS PAPER

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REF: A) STATE 18330; B) STATE 019487; C) STATE 22819

FOLLOWING IS TEXT OF ZAIRE HUMAN RIGHTS PAPER AS APPROVED  
FOR SUBMISSION TO THE CONGRESS:

QUOTE SINCE INDEPENDENCE IN 1960, ZAIRE HAS EXPERIENCED  
ALMOST SEVEN YEARS OF CIVIL WAR OR SEMI-ANARCHY.  
PRESIDENT MOBUTU'S MAIN TASK HAS BEEN TO ESTABLISH  
GOVERNMENT AUTHORITY OVER A VAST COUNTRY WITH MORE THAN  
200 SEPARATE ETHNIC GROUPS. INDIVIDUAL POLITICAL RIGHTS  
HAVE A SUBSTANTIALLY LOWER PRIORITY THAN COLLECTIVE  
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ECONOMIC, SOCIAL AND POLITICAL DEVELOPMENT. THE MARCH  
1977 SHABA INVASION HEIGHTENED THE GOVERNMENT'S SENSE  
OF INSECURITY. IMPROVEMENT OF SECURITY AND ECONOMIC  
CONDITIONS SHOULD TEND TO CREATE A MORE RELAXED RELATIONSHIP  
BETWEEN THE GOVERNMENT AND THE POPULATION.

1. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING

FREEDOM FROM:

A. TORTURE

HERE IS NO EVIDENCE OF TORTURE.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR  
PUNISHMENT

ISOLATED INCIDENTS OF CRUEL, INHUMAN OR DEGRADING  
PUNISHMENT OCCUR. THESE APPEAR TO BE CAUSED BY POLICE--  
WHO RISK PUNITIVE ACTION IF CAUGHT -- RATHER THAN FROM ANY  
CONCERTED GOVERNMENT EFFORT. THERE ARE OFTEN PHYSICAL  
HARDSHIPS IN PRISON SUCH AS INADEQUATE, CROWDED CELLS,  
POOR SANITARY CONDITIONS AND SEVERE MALNUTRITION.

C. ARBITRARY ARREST OR IMPRISONMENT.

ARBITRARY ARREST AND IMPRISONMENT DO OCCUR IN ZAIRE.  
THERE WERE SOME SUCH CASES DURING THE 1977 INVASION OF  
SHABA PROVINCE FROM ANGOLA. MOST DETAINEES WERE RELEASED  
RELATIVELY QUICKLY BUT SOME REMAIN IN PRISON. IN MORE  
NORMAL TIMES THE NUMBER OF ARBITRARILY ARRESTED INDIVIDUALS  
ARE RELATIVELY SMALL AND THEY ARE RELEASED IN A FEW DAYS  
FOR THE MOST PART. THESE LATTER CASES ARE GENERALLY  
ATTRIBUTABLE TO OVERZEALOUS OR VENAL LOCAL OFFICIALS,  
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ACTING OUTSIDE THEIR DIRECTIVES, WHO ARE SUBJECT TO  
DISCIPLINARY MEASURES WHEN EXPOSED.

A NOTABLE CASE INVOLVES FORMER FOREIGN MINISTER NGUZA  
WHO WAS ARRESTED, TRIED, CONVICTED AND INCARCERATED FOR  
ALLEGED TREASON IN CONNECTION WITH THE INVASION OF SHABA.  
WHILE HIS TREATMENT IS OFTEN VIEWED AS HAVING BEEN  
ARBITRARY AND CAPRICIOUS, THE JUDICIAL PROCEEDINGS APPEAR  
TO HAVE FOLLOWED THE PROVISIONS OF THE ZAIRIAN CONSTITUTION  
AND STATUTES. THE ORIGINAL DEATH SENTENCE WAS  
SUBSEQUENTLY COMMUTED BY PRESIDENT MOBUTU TO LIFE  
IMPRISONMENT.

D. DENIAL OF FAIR PUBLIC TRIAL

PERSONS CHARGED WITH NON-POLITICAL CRIMES ARE ENTITLED  
TO AND RECEIVE A FAIR AND PUBLIC HEARING BY AN  
IMPARTIAL TRIBUNAL. THOSE ACCUSED OF POLITICAL CRIMES  
OR TRAFFICKING IN PRECIOUS MINERALS AND METALS ARE  
TRIED IN THE STATE SECURITY COURT, WHOSE SESSIONS ARE  
NOT OFTEN PUBLIC.

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AMNESTY INTERNATIONAL'S 1977 ANNUAL REPORT NOTED THE IN CAMERA MILITARY TRIAL AND SENTENCING OF ABOUT 40 PERSONS IN AN ABORTIVE JUNE 1975 COUP PLOT. DEATH SENTENCES, WHICH HAVE NOT BEEN CARRIED OUT, WERE GIVEN TO SEVEN PERSONS. SEVEN OTHERS WERE ACQUITTED AND 26

RECEIVED TERMS OF SIX MONTHS TO 20 YEARS. THIS ACCOUNT APPEARS TO BE ACCURATE.

E. INVASION OF THE HOME

SANCTITY OF THE HOME IS RESPECTED, EXCEPT IN RARE POLITICAL AND SECURITY CASES.

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2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE AND EDUCATION

IN 1972-1973 ZAIRE BEGAN AN AMBITIOUS DEVELOPMENT PROGRAM CONCENTRATED ON LARGE, CAPITAL-INTENSIVE PROJECTS. THE PROGRAM ASSUMED A CONTINUING HIGH LEVEL OF COPPER EXPORT RECEIPTS. IN ADDITION THE GOVERNMENT LAUNCHED A PROGRAM OF RADICAL ECONOMIC REFORM INTENDED TO INCREASE NATIONAL CONTROL OVER THE ECONOMY. NEITHER PROGRAM ACHIEVED ITS OBJECTIVE. THIS, COMBINED WITH THE FALL OF COPPER PRICES AND THE CLOSURE OF THE BENGUELA RAILROAD IN ANGOLA, HAD A SERIOUS NEGATIVE IMPACT ON THE ECONOMY AND THE WELL-BEING OF LARGE SEGMENTS OF THE POPULATION.

AT THE SAME TIME, THE GOVERNMENT TOOK OVER ALL EDUCATIONAL INSTITUTIONS (HITHERTO LARGELY CHURCH AND MISSIONARY RUN). THIS RESULTED IN SIGNIFICANTLY FEWER EDUCATIONAL OPPORTUNITIES.

IN 1976 PRESIDENT MOBUTU BEGAN RETURNING PROPERTIES AS AN INDUCEMENT TO EXPATRIATES TO RETURN TO ZAIRE, MAKING PEACE WITH THE CHURCH, RETURNING CONTROL OF BASIC EDUCATION TO THE MISSIONARIES, AND IMPLEMENTING A PROGRAM OF ECONOMIC REFORM. THE GOVERNMENT ACCEPTED AN INTERNATIONAL MONETARY FUND STABILIZATION PROGRAM IN 1976. THIS WAS ONLY PARTIALLY SUCCESSFUL. IN 1977 THE GOVERNMENT COMMITTED ITSELF TO A MORE SEVERE IMF STABILIZATION PROGRAM TO IMPROVE CONTROL OVER EXPENDITURES THROUGH BETTER MANAGEMENT OF NATIONAL RESOURCES.

CORRUPTION, WHICH HAS INCREASED OVER THE YEARS, DIVERTS LIMITED OFFICIAL USE

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RESOURCES FROM THE POOR. PRESIDENT MOBUTU'S PROGRAM OF ECONOMIC REFORM INCLUDES EFFORTS TO REDUCE CORRUPTION.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING:

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

THERE IS A GOVERNMENT EFFORT TO INCULCATE A NATIONAL PHILOSOPHY OF "AUTHENTICITY" WHICH DOES NOT ENCOURAGE THE EXPRESSION OF ALTERNATIVE INTELLECTUAL OUTLOOKS. ACCORDINGLY, FREEDOM OF SPEECH AND PRESS ARE RESTRICTED. GOVERNMENT RESTRICTIONS ON THE INDEPENDENCE OF RELIGIOUS INSTITUTIONS AND THE PRACTICE OF RELIGION HAVE BEEN RESCINDED AND FREEDOM OF RELIGION LARGELY RESTORED. THE RIGHT OF ASSEMBLY FOR POLITICAL PURPOSES IS PROHIBITED UNLESS UNDER THE AEGIS OF THE SINGLE POLITICAL PARTY.

ALTHOUGH ZAIRE'S SOLE LEGAL LABOR MOVEMENT, NATIONAL UNION OF ZAIRIAN WORKERS (UNTZA), IS UNDER THE DOMINATION OF THE RULING PARTY, IT STILL POSSESSES A DEGREE OF INDEPENDENCE. IN AUGUST 1977 THE UNION HELD ITS FIRST ELECTION SINCE ITS FORMATION IN 1967.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

FREEDOM OF TRAVEL WITHIN THE COUNTRY IS GENERALLY UNRESTRICTED. TEMPORARY LIMITATIONS FOR REASONS OF SECURITY MAY BE IMPOSED ON TRAVEL TO SPECIFIC AREAS SUCH AS SHABA. EXCESSIVE MIGRATION TO THE CAPITAL IS ACTIVELY DISCOURAGED OWING TO SUCH CONSIDERATIONS AS HIGH URBAN UNEMPLOYMENT. FOREIGN TRAVEL AND EMIGRATION ARE GENERALLY UNRESTRICTED.

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C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

ZAIRE IS A ONE-PARTY STATE. ACCORDING TO THE NEW ELECTORAL LAW OF JUNE 1977, ZAIRIANS 18 YEARS OF AGE AND OLDER MAY VOTE FOR LOCAL OFFICIALS, THE NATIONAL LEGISLATIVE ASSEMBLY AND FOR PRESIDENT. EXCEPTIONS ARE THOSE MENTALLY ILL, SUBJECTED TO MILITARY DISCIPLINE

WITHIN THE LAST TEN YEARS, GUILTY OF SERIOUS VIOLATIONS OF PARTY DISCIPLINE, OR RESIDING ABROAD. LOCAL, REGIONAL AND PARTY ELECTIONS WERE HELD IN OCTOBER WITH WIDE VOTER PARTICIPATION. TO ATTAIN POLITICAL OFFICE, A ZAIRIAN CITIZEN MUST BE AN ACTIVE PARTY MEMBER.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENT INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

SENSITIVE TO EARLIER CRITICISM THAT IT RESTRICTS OUTSIDE ACCESS, THE GOVERNMENT OF ZAIRE PERMITS MISSIONARIES AND INTERNATIONAL ORGANIZATIONS SUCH AS THE INTERNATIONAL RED CROSS, THE UNITED NATIONS HUMAN RIGHTS COMMISSION, AND

THE INTERNATIONAL RESCUE COMMITTEE TO OPERATE RELATIVELY FREELY IN ZAIRE. WE KNOW OF NO RECENT REQUESTS FOR OUTSIDE INVESTIGATIONS OF HUMAN RIGHTS CONDITIONS IN ZAIRE, ALTHOUGH AMNESTY INTERNATIONAL IS RESEARCHING SEVERAL INDIVIDUAL ZAIRIAN PRISONERS. ON THE OTHER HAND, FOREIGN JOURNALISTS ARE SOMETIMES LIMITED IN THEIR ACCESS OR ON OCCASION EXPELLED FOR REPORTING JUDGED TO BE INACCURATE OR OTHERWISE CONTRARY TO THE NATION'S BEST INTERESTS. UNQUOTE.

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WITH INSTRUCTIONS AND GUIDELINES CONTAINED REFTELS. SEPARATELY WE WILL BE SENDING YOU BY POUCH HUMAN RIGHTS REPORTS FOR ALL OTHER AFRICAN COUNTRIES AS WELL. WE HAVE REQUESTED A TRANSLATION OF ZAIRE REPORT BUT THIS MAY TAKE SOME WEEKS.

FOR YOUR INFORMATION AF/C IS CALLING ZAIRE AMBASSADOR KASONGO ON TUESDAY JANUARY 31 TO INFORM HIM THAT PAPER HAS BEEN SENT TO THE CONGRESS AND IS AVAILABLE TO HIM IN AF/C. WE WILL ALSO OFFER TO DISCUSS IT WITH HIM SUBSEQUENTLY IF HE SO DESIRES.

DECLASSIFY UPON RECEIPT. VANCE

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## Message Attributes

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